

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Harold Jean-Baptiste  
253-37 148 Drive  
Rosedale NY 11422

Plaintiff

V.

United State Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Merrick B. Garland  
Attorney General of the United States,  
Head of the United State Department of Justice;  
Named in his official capacity

V.

Federal Bureau of Investigations  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

Christopher Wray,  
Director of the Federal Bureau of Investigations;  
Name in his official capacity;

V.

CITY OF NEW YORK,  
MAYOR ERIC ADAMS,  
POLICE COMMISSIONER KEECHANT L. SEWELL,  
Name in his official capacity;

CITY of NEW YORK,  
Attn: CORPORATION COUNSEL,  
100 CHURCH St., 5 FL.,  
NEW YORK, NY 10007

Office of the Attorney General of New York  
28 Liberty St  
New York, NY 10005

Defendants

## **COMPLAINT FOR VIOLATION**

### **FOURTH AMENDMENT ELECTRONIC COMMUNICATION PRIVACY ACT of 1986 (ECPA), 42 U.S. CODE.1983, 42 U.S. CODE.1985(3), 18 U.S. CODE § 241, 18 U.S. CODE § 242, 42 U.S. CODE § 1986, LACK CARE OF DUTY, FOURTH AMENDMENT, NINTH AMENDMENT, CRUEL AND HUMAN RIGHTS VIOLATIONS.**

#### **NATURE OF ACTION**

The plaintiff brings this action under FOURTH AMENDMENT ELECTRONIC COMMUNICATION PRIVACY ACT of 1986 (ECPA), 42 U.S. CODE.1983, 42 U.S. CODE.1985(3), 18 U.S. CODE § 241, 18 U.S. CODE § 242, 42 U.S. CODE § 1986, LACK CARE OF DUTY, FOURTH AMENDMENT, NINTH AMENDMENT, CRUEL AND HUMAN RIGHTS VIOLATIONS. The plaintiff brings this action individually and on behalf of himself on Federal Bureau of Investigations (FBI) and United State Department of Justice (DOJ) and New York City Police Department who has been discriminate against plaintiff violation of Constitutional Rights, Federal Laws, cruel, Human Rights and inhuman treatment. Plaintiff suffered discrimination and harassment in whole by the FBI to since August 19, 2020 singled out for adverse treatment by FBI done under "National Security Letters" (NSL) use to shield their violation of Federal Laws. The plaintiff has owned this vehicle for 10 years and clean and inspect this vehicle for 10 years in multiple states the plaintiff had a driver license in (NY, OH, FL), hired Montway LLC and Direct Motor Lines to transport the vehicle from North Miami Beach Florida to Rosedale Queens. The FBI monitored the plaintiff calls and computer to see the vehicle transportation transaction, and setup the plaintiff for arrest. The defendant's willfully, negligently and lack of care of duty and collusion to alter the plaintiff's vehicle purposely to put the plaintiff in position to violate New Penal Law, Federal Law, knowingly altering the plaintiff's vehicle with a tampered Vehicle Identification Number (VIN) (Tampered VIN: # JB11B 51566B) on the plaintiff's vehicle. The defendants pick up the vehicle at Miami Beach, Florida for transportation to Rosedale New York. The vehicle was tampered with in the time of pick to delivery. The original Vehicle Identification Number (VIN), (VIN: #SALTP194X4A841904) which is located on the door and dash of the vehicle as stated by law.

The actions of the defendant's negligence and purposely altered the plaintiff's vehicle to setup the plaintiff for arrest, and treated the plaintiff in a cruel and inhuman manner, their action was intended to oppress, violate the plaintiff's Civil Rights and compromise the freedom of the plaintiff to propel the plaintiff to violate Federal Law willfully and negligently.

~~Plaintiff was taking advantage of and suffered adverse cruel, inhuman treatment by FBI and~~  
NYPD.

### **JURISDICTION AND VENUE**

1. Jurisdiction is proper in this court in that the District Courts have original jurisdiction under 28 U.S.C. § 1331 and 1343 and 42 U.S.C. § 2000e-5(f)(3), because they arise under the laws of the United States and are brought to recover damages for deprivation of Civil Rights, Constitutional Rights, and violation Federal Criminal U.S Codes.
2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)-(c) and 42 U.S.C. § 2000e-5(f)(3), that the defendant's headquarters, or office is located in this district, the personnel records relevant to this case are in this district and the personnel practices challenges herein were directed or supervised by defendants in this district.
3. Plaintiff have exhausted their administrative remedies prior to bringing this suit. Request of FBI, DOJ and Department of Homeland Security (DHS) file under Freedom of Information Act (FOIA) files pertaining on this complaint on the plaintiff on 3/2/20, it has not been issued, more information was requested; second request has been formally requested asking for FOIA Public Liaison (FPL) for assistance for the plaintiff on the specific files on 3/28/20. Office of Government Information Services (OGIS) offered no further assistance and issued the request close on April 15, 2020. All attempt and appeal were exhausted to obtain the FOIA files. A prior lawsuit was file with the US Court District of Columbia Civil Division (CASE #20-CV-02178) request relief and the plaintiff dismiss the case without prejudice believing the discrimination would of stop. Judge McFadden had issued a vacate order to stop any other branch of government order, or Executive Order or stop any investigative actions against the

plaintiff under the Trump Administration, but that order has been ignored. A second lawsuit was file which is in Superior District of Columbia (CASE # 2021 CAB 000377) which the defendants did not appear, and appeal to DC Appeal Court (CASE # 21-CV-0242) and the case in the Supreme Court #21-1175. The plaintiff previous file a ~~third lawsuit alleging more serious violation of law case # 21-CV-2221 and Judge~~

McFadden order me to include Channing D. Phillips Attorney for the District of Columbia complaint served and signed for (EJ63 9079 935 US). The plaintiff complied to Judge McFadden order and the plaintiff sent the clerk the Affidavit of Service 2021-11-29 18:29 via email dcdml\_intake@dcd.uscourts.gov and it was received and not posted on Pacer for the Judge McFadden. Plaintiff noticed the grave error and did not call the clerk to ensure it was posted because the plaintiff intention was to get an injunction and Kenneth Adebonojo of the DOJ email me for an extension 2021-12-27 15:47 via email Ken\*\*\*\*\*@usdoj.gov that convey the plaintiff request in writing the FBI will stop trying to destroy the plaintiff's life. He stated, "I hope this meets you and yours well. I need to request an enlargement for thirty (30) days to confer with FBI Agency Counsel I will try to convey your concerns. May I represent that I have your consent to an enlargement?" and the plaintiff agreed to the extension. The case was dismissed without prejudice because of the clerk's error to not post the Affidavit of Service sent on 11-29-21 on Pacer. This new lawsuit is for new allegations against the defendants for retaliation of the past last lawsuit and to prevent the plaintiff from employment and continue violation of the plaintiff's Civil Rights.

4. Defendants Federal Bureau of Investigations (FBI) and United State Department of Justice (DOJ) and New York Police Department is sued herein in his official capacity.
5. Plaintiff Harold Jean-Baptiste, Black Male, is a resident of the state of New York. He has been targeted and harass by the FBI to violate Civil Rights, Human Rights Violations, Federal Laws, and Constitutional Rights August 1, 2020.

#### **FACTUAL BACKGROUND ON HARRASMENT, VIOLATIONS OF FEDERAL LAWS AND DISCRIMINATION**

6. On August 17, 2022
  - a. The plaintiff went on Montway.com to transport the plaintiff's vehicle a

2004 Land Rover Discovery 4.6L from 700 NE 161 Street, North Miami Beach Florida to 253-37 148 Drive Rosedale, New York. The transaction payment was process over the phone and schedule for pick was for Saturday at 700 NE 161 Street, North Miami Beach, Florida. Receipt of the transaction was sent by ~~Montway via email on 8/17/22 at 5:28 PM. The plaintiff has owned the vehicle~~ for 10 years has inspected the vehicle and pass state inspection with the vehicle in multiple states (NY, OH, FL) and the vehicle never had a tampered VIN Number. On 8/18/2022 the vehicle was checked by the plaintiff's mechanic Jay who also review the vehicle to be fit to drive and did not notice the tampered VIN. The vehicle was pick on Friday 8/19/22 earlier than the schedule date of 8/20/22. The FBI monitored the plaintiff's email and phone calls to see the transaction and tampered the vehicle to setup the plaintiff for arrect because of many of color of complaint sent to the DOJ, this was an attempt to destroy the plaintiff life or worse.

7. August 23, 2022 at 2:15

- a. The Dispatch driver of the transport call the plaintiff to pick his vehicle 6 blocks away which was very strange, the plaintiff inspected the vehicle and noticed the vehicle was tampered with an alternative VIN number, that was spot welded and badly painted to not be very noticeable on the vehicle. A tampered Vehicle Identification Number (VIN), (Tampered VIN: # JB11B51566B), or according Federal Law and New York State Law the vehicle condition was not fit for driving. Possession of tampered VIN vehicle in New State is a crime. The vehicle has a hidden active GPS system in the vehicle, which can locate everywhere the vehicle travelled and the location of garage the vehicle was brought to weld the 2-inch illegal VIN plate on the left leg of the vehicle. The plaintiff's brother Vilner Eugene was a witness to this event and plaintiff recorded the whole experience on video. The plaintiff called 911 (Record of the Call has been requested from NYPD under FOIL, on 8/30/22) to document the vehicle VIN that was tampered with, the police office refuse to file a police report, the office stated it was a civil matter. (Record of the call has been requested from NYPD under FOIL, on 8/30/22, of all the office name as

witness of the incident). The police officer was aware of the plot to setup the plaintiff for arrest by the FBI and was parked around the corner to wait for the plaintiff to drive the vehicle and responded to the 911 in less than a minute. The allegation was a strategic plan and executed purposely and deliberately by ~~the FBI with the intention to setup the plaintiff for arrest, the officers under~~ oath can collaborate this allegation.

The plaintiff inspected the car and realized the vehicle as a tampered Vehicle Identification Number under the hood on the driver side front leg of the car. The plaintiff's email Montway LLC at [claims@montway.com](mailto:claims@montway.com) for value and investment in the vehicle the plaintiff spent in the car. The driver (refuse to provide his name) of Direct Motor Lines (US DOT #2795768, MC #933194, VIN #KN899150) trailer the vehicle Illinois plate number # 839 899ST and informed the defendants the plaintiff would not accept the vehicle because the vehicle is illegal to have possession of tampered vehicle in New York State Law that has two different VIN numbers. The whole incident is on video for the court to review.

9. All these examples monovalent, cruel actions that are 100% factual by the FBI to harm the plaintiff's life. The witnesses will illustrate substance for the all the relating allegations by the FBI. The strategy is to punish the plaintiff with their illegal actions or egregious order to hurt the plaintiff's life for suing the FBI for attempts to destroy the plaintiff's life.

### **THE UNLAWFUL PRACTICES**

10. The FBI unfairly target the plaintiff base on his race, color, national origin, or malicious intentions. The FBI slander and destroyed the character of the plaintiff and using "National Security Letters" (NSL) to cover their actions, treated unfairly and discriminated base on national origin, race and color, a direct violation under FOURTH AMENDMENT ELECTRONIC COMMUNICATION PRIVACY ACT of

1986 (ECPA), 42 U.S. CODE.1983, 42 U.S. CODE.1985(3), 18 U.S. CODE § 241, 18 U.S. CODE § 242, 42 U.S. CODE § 1986, LACK CARE OF DUTY, FOURTH AMENDMENT, NINTH AMENDMENT, CRUEL AND HUMAN RIGHTS VIOLATIONS. FBI conspire to prevent the plaintiff from have an employment and income and punishment the plaintiff for past lawsuit and color of complaint filed with DOJ against the FBI. The plaintiff would like a jury to review this case.

### THE PLAINTIFF'S BACKGROUND

11. Plaintiff Harold Jean-Baptiste graduated cum laude from Long Island University with bachelor's in Information System and magna cum laude from Long Island University with an MBA in Finance and University of Baltimore Law Student. Plaintiff has no criminal history, or any history of any investigations of any crime. The plaintiff's background is clean and has no reason to be discriminated against by the FBI or DOJ. The Justice Department and the Federal Bureau Investigations under false pretense and flagged plaintiff for an investigation under National Security Branch Division of the FBI and used "National Security Letters" (NSL) classification as a tool used to be "invisible" in conspire to slander, harass, discriminate, and destroyed the character of the plaintiff. Plaintiff has not been "alleged or suspected violation of any federal laws" or "no criminal history", "never been arrested", "investigate for anything criminal" or "ever attempted to carry out any crimes" or "threats to the national security" or "violate any foreign intelligence laws" under Department of Justice Manual section Title IV, 9-90-010, 9-90-020 9-90-050, 9-90-100, 9-90-200, 9-90-210, 9-90-230, 9-90-240, 9-90-300, 9-90-400, 9-90-440, 9-90-500, 9-90-550, 9-90-600, 9-90-610, 9-90-620, 9-90-625, 9-90-630, 9-90-640, 9-90-700, 9-90-710, 9-90-720 and 9-90-730.

*The Department of Justice has no probable cause for any FBI Investigation or malice order on the plaintiff especially under National Security Division Branch, investigation in this manner shows premediated intention to persecute and malice intent against the plaintiff. Most egregiously the plaintiff never attempted or violated any of the these statutes to be flagged under "National Security" based on criminal provisions affecting 2 U.S.C. § 192 (Contempt of Congress Related to National Security), 8 U.S.C. §*

1185(b) (Travel Control of Citizens), 18 U.S.C. § 219 et seq. (Officers and Employees of the United States Acting as Foreign Agents), 18 U.S.C. § 791 et seq. (Espionage; Unauthorized Disclosure of Classified Information), 18 U.S.C. § 951 et seq. (Neutrality Laws), 18 U.S.C. § 1030(a)(1) (Computer Espionage), 18 U.S.C. § 1542 et seq. (Passport Violations Related to National Security), 18 U.S.C. § 1924 (Unauthorized Removal and Retention of Classified Documents or Material), 18 U.S.C. § 1831 (Economic Espionage), 18 U.S.C. § 2151 et seq. (Sabotage), 18 U.S.C. § 2381 et seq. (Treason, Sedition and Subversive Activities), 22 U.S.C. § 611 et seq. (Foreign Agents Registration), 22 U.S.C. § 2778 (Arms Export Control Act), 42 U.S.C. § 2274 to 2278, 2284, and other Atomic Energy Violations that Affect National Security (Atomic Energy Act), 50 U.S.C. § 3121 (Intelligence Identities Protection Act), 50 U.S.C. § 782 et seq. (Communication of Classified Information by Government Officer or Employee), 50 U.S.C. § 851 et seq. (Registration of Person Who Has Knowledge concerning Espionage Activities), 50 U.S.C. § 1701 et seq. (International Emergency Economic Powers Act), 50 U.S.C. § 2401 et seq. (Export Control Reform Act), 50 U.S.C. App. § 5(b) (Trading With the Enemy Act).

### VIOLATION OF LAWS

12. The FBI willfully and negligently conspire to interfere with civil rights, deprivation rights, privileges, or protected by the Constitution or Laws of the United States Also no one shall be subjected to cruel, or degrading treatment, direct violation of 42 U.S. Code.1983, 42 U.S. Code § 1985(3) and Ninth Amendment.
13. The FBI conspire deprivation rights under Color of Law, privileges, or protected by the Constitution or Laws of the United States, direct violation of 18 U.S. Code § 242.
14. The FBI willfully and negligently, conspire to violate Human Rights, Inhuman, Civil Rights, Deprivation of Rights, Privileges, or protected by the Constitution or Laws of the United States, Lack of Care of Duty to deprive the rights and dignity of the plaintiff.
15. The FBI willfully and negligently conspire to oppress, deprivation rights, privileges,



or protected by the Constitution or Laws of the United States, direct violation of 18 U.S. Code § 241.

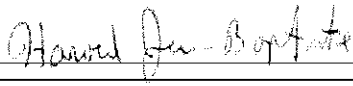
16. The FBI neglect to prevent illegal activity or deprivation rights, privileges, or ~~protected by Federal Laws of the United States, direct violation of 42 U.S. Code § 1986.~~
17. The FBI willfully and negligently violated FOURTH AMENDMENT ELECTRONIC COMMUNICATION PRIVACY ACT of 1986 (ECPA) by monitoring plaintiff's computer to find any reasons to interfere with civil rights, deprivation rights, privileges, or protected by the Constitution or Laws of the United States, direct violation of the FOURTH AMENDMENT ELECTRONIC COMMUNICATION PRIVACY ACT of 1986 (ECPA)
18. The FBI willfully and negligently violated FOURTH AMENDMENT RIGHTS TO PRIVACY by monitoring plaintiff's cell phone calls to deny plaintiff's employment and any reasons to interfere with Civil Rights, deprivation rights, privileges, or protected by the Constitution or Laws of the United States, direct violation of the FOURTH AMENDMENT RIGHTS TO PRIVACY
19. Plaintiff have experienced severe and pervasive unfair treatment base race, color, national origin, harassment, and retaliation beyond that which a reasonable person would tolerate. WHEREFORE, Plaintiff request that the court to execute a full fact-finding review, since August 1, 2021 of adverse action to the plaintiff subjected to race, national origin, color discrimination and suffered severe emotional distress from the FBI, DOJ, and Human Rights violation. The FBI "invisible tool" used as "National Security Letter" (NSL), with their authority and resources it is not implausible that they would continue their behavior to do harm to the plaintiff and prevent the plaintiff from continuing ligations. The FBI and DOJ are liable for the actions against the plaintiff by violating Constitutional Laws and Federal Statutes. The plaintiff file suit for protection from the court, to prevent and stop any current actions that will violate Federal Laws and deprivation rights, privileges by Civil Rights.

## **PRAYER FOR RELIEF**

Plaintiff request relief as follows:

- a. Issue a Declaratory Judgment against FBI and DOJ practices that violated  
**FOURTH AMENDMENT ELECTRONIC COMUNICATION PRIVACY**  
ACT of 1986 (ECPA), 42 U.S. CODE.1983, 42 U.S. CODE.1985(3), 18 U.S.  
CODE § 241, 18 U.S. CODE § 242, 42 U.S. CODE § 1986, LACK CARE OF DUTY,  
FOURTH AMENDMENT, NINTH AMENDMENT, CRUEL AND HUMAN  
RIGHTS VIOLATIONS.
- b. Issue Declaratory Judgement for the FBI to issue a “Dismissal of Complaint” by  
the FBI and Department of Justice, FBI Criminal Cyber Response Service  
Branch, Intelligence Branch, Science and Technology Branch, Information  
Technology Branch, FBI National Security Branch, and other covert branch to  
hide any investigations against the plaintiff and to stop all improper  
investigation and electronic surveillance against the plaintiff.
- c. Issue an order for Injunction and Vacate any Order by the FBI for any  
investigation or order violate the plaintiff’s Civil Rights.
- d. Award punitive damages \$5,000,000 for discrimination and malevolent actions  
to destroy plaintiff’s life according to proof disclose to the court. The plaintiff  
stating to the court life and freedom is priceless, living to help his 73-year-old  
mother is priceless, and raising children is priceless, therefore all the fortune of  
the world is not worth the plaintiff’s freedom.
- e. Award damages for emotional distress for the plaintiff based on the fact the  
plaintiff was subjected to cruel behavior by the FBI and NYPD.
- f. Award any Attorneys’ fees according to proof.
- g. Provide such other relief as may be deemed just and Prop.

Respectfully Submitted



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